

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
FENG LIN, :
:
Plaintiff, : 17-CV-3043 (DLI) (SJB)
:
:
V. : May 19, 2021
:
:
QUALITY WOODS, INC., :
et al., :
Defendant. :
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TRANSCRIPT OF CIVIL CAUSE FOR INQUEST HEARING
BEFORE THE HONORABLE SANKET J. BULSARA
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: AARON SCHWEITZER, ESQ.

For the Defendant: NO APPEARANCE

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1 THE COURT: I'm Judge Bulsara. We're here
2 for an inquest hearing in 17-CV-3043.

3 Can counsel state their appearances for the
4 record please?

5 MR. SCHWEITZER: Good morning, your Honor,
6 again. This is Aaron Schweitzer appearing for
7 plaintiff Feng Lin, who is also here.

8 THE COURT: I know we have Mr. Kwak (ph),
9 who is interpreting, is that correct?

10 THE INTERPRETER: Yes, good morning, your
11 Honor, yes, Mandarin.

12 THE COURT: Okay, good morning.

13 Mr. Schweitzer, a couple of questions before
14 I begin the hearing and the questioning of Mr. Lin,
15 okay? Actually, let me do this: I will ask questions
16 of Mr. Lin after he's placed under oath and then that
17 may make the questions I ask of you either moot or
18 unnecessary rather, so let's proceed that way.

19 Mr. Kwak, you'll begin translation. The way
20 I'm going to proceed is, there's going to be a question
21 and answer, at least to start me questioning the
22 witness. I'd ask that you wait until I finish my
23 question, then translate, and the same with Mr. Lin's
24 answers, if that works for you, Mr. Kwak.

25 THE INTERPRETER: Yes, that works, your

1 Honor, thank you.

2 THE COURT: Mr. Lin, can you see me and hear
3 me?

4 MR. LIN: Yes, I do. I can hear you, I can
5 see you, thank you.

6 THE COURT: My deputy is going to swear you
7 in, so if you could kindly raise your hand.

8 (Defendant is sworn.)

9 THE COURT: I don't think it's necessary to
10 swear Mr. Kwak (ui).

11 DIRECT EXAMINATION

12 BY THE COURT:

13 Q. Mr. Lin, good morning.

14 A. Good morning.

15 Q. Do you understand that you have brought a
16 lawsuit in federal court through your lawyer?

17 A. Yes.

18 THE COURT: Mr. Schweitzer, if you're
19 typing, you need to go on mute.

20 BY THE COURT:

21 Q. Mr. Lin, you've now been placed under oath and
22 I'm going to ask you some questions about your lawsuit
23 and your employment, okay?

24 A. Yes.

25 Q. If you don't understand any of my questions,

1 just let me know.

2 A. Yes, okay.

3 Q. Mr. Lin, first, to begin, you have a brought a
4 lawsuit for unpaid wages. Do you understand that? I
5 need verbal answers not a nod.

6 A. Yes.

7 Q. Mr. Lin, what is the period of time you
8 believe you were not paid the wages you were entitled
9 to?

10 A. Overtime as well as weekend overtime work.

11 THE COURT: Mr. Schweitzer, you unmuted
12 yourself and I can hear you typing. I'm not sure why
13 you did that.

14 MR. SCHWEITZER: I unmuted myself because
15 the microphone that's picking up Mr. Lin is the
16 microphone that I'm controlling.

17 THE COURT: Then just stop typing.

18 BY THE COURT:

19 Q. Mr. Lin, what is the period of time where you
20 believe you were not paid wages?

21 A. I was not paid overtime work during the work
22 when I work over 40 hours. I was supposed to schedule
23 to work between 9:00 and 6:00 p.m. Sometimes -- I'm
24 sorry. Sometimes my schedule went beyond the regular
25 time and schedule work until 6:00 p.m., 6:30 sometimes,

1 so those overtime were not paid. Also, on some
2 Sundays, overtime I was not paid.

3 Q. Mr. Lin, I meant what months in what years are
4 we talking about?

5 A. The period I'm talking about is March, 2015,
6 which is basically when I first started working there,
7 until around the end of May, May 28th I believe, of
8 2016.

9 Q. Okay. And you said when you were working
10 there. Where are you referring to?

11 A. So the place I worked at is called Quality
12 Woods, and the address is 1340 Metropolitan Avenue.

13 Q. Okay. When you began working -- when did you
14 begin working for Quality Woods?

15 A. Sometime around March, 2015.

16 Q. Okay. And who hired you?

17 A. My boss, Gao Wei.

18 Q. Okay. Did you interview with Mr. Gao Wei?

19 A. He did try me out for one day, testing one
20 day.

21 Q. Okay. And where did he try you out?

22 A. At the factory, the work location.

23 Q. Where was the factory work location?

24 A. 1340 Metropolitan Avenue.

25 Q. Okay. And what did you understand to be Mr.

1 Gao Wei's relationship to the company you were working
2 for?

3 A. Gao Wei is the boss of this company.

4 Q. Was he the owner?

5 A. Yes.

6 Q. When you started work there, how many people
7 were working at Quality Woods?

8 A. Initially, two, me and another person.

9 Q. Was Mr. Gao Wei your boss the entire time you
10 worked there?

11 A. Yes, yes.

12 Q. Okay. Where did you go to work every day?

13 A. I worked at the 1340 Metropolitan Avenue
14 location every day. I go there working every day.

15 Q. Okay. Did you ever work at any other
16 location?

17 A. No.

18 THE COURT: Mr. Schweitzer, I don't know how
19 many times I have to repeat this. I'm going to end
20 this hearing if you continue typing.

21 MR. SCHWEITZER: I'm not typing.

22 THE COURT: Well, then you need to go on
23 mute.

24 BY THE COURT:

25 Q. Mr. Lin, when you went to work, was there a

1 sign of the name of the company at the location?

2 A. No, because this factory was located -- which
3 he rents -- inside a bigger business or company, inside
4 the location of another company, of another, bigger
5 business.

6 Q. Okay. 1340 Metropolitan Avenue, what kind of
7 building was it?

8 A. It's a warehouse-type building.

9 Q. Okay. How much space did Quality Woods have
10 in that warehouse?

11 A. Approximately 5,000 square feet,
12 approximately.

13 Q. Were there other companies in that building?

14 A. Yes, yes.

15 Q. Okay. Before I ask you about those other
16 companies, if there was no sign on the building, how
17 did you come to learn that the company you were working
18 for was called Quality Woods?

19 A. Because I've been inside his office and I have
20 also gotten a business card and I looked at it, and I
21 saw Quality Woods.

22 Q. Whether inside his office or on the business
23 card, were there any other companies listed?

24 A. No, just his name, the name of the boss there.

25 Q. Okay. And the only company listed was Quality

1 Woods?

2 A. Yes.

3 Q. Before, you said that Mr. Goa Wei rented
4 space. Do you remember saying that?

5 A. Yes.

6 Q. Okay. How did you come to learn or understand
7 that?

8 A. Because a few months Mr. Goa forgot or did not
9 pay his rent and people were talking about it so I
10 heard about it, as well as Mr. Chen, who occupied the
11 space next to him or his neighbor, Mr. Chen, who also
12 makes kitchen cabinets, mentioned that this was rental.

13 Q. Did you ever work for Mr. Chen?

14 A. No.

15 Q. If you know, what were the names of the other
16 -- of Mr. Chen's company?

17 A. D.C. Kitchen Cabinet.

18 Q. D.C. Kitchen Cabinet?

19 A. Yes.

20 Q. Okay. Do you know the name of any other
21 companies or were there any other companies in 1340
22 Metropolitan Avenue?

23 A. Yes, there is another company, a fashion
24 clothing company, but I don't know or forgot the name.

25 Q. Okay. Just to confirm, you stopped working

1 for Mr. Gao Wei approximately the end of May, 2016?

2 A. Yes, correct.

3 Q. Okay. During that entire time, did you ever
4 work in Long Island?

5 A. No.

6 Q. Have you ever heard of a company called
7 Metropolitan Cabinet Factory, Inc.?

8 A. I'm not terribly familiar with that name but I
9 would know if I'm given the address.

10 Q. Okay. Did you ever work for a company called
11 Metropolitan Cabinet Factory, Inc.?

12 A. No.

13 Q. Okay. Before you referred to D.C. Cabinet
14 Factory. Did you ever work for them?

15 A. No.

16 Q. Have you ever heard of a company called Aotin
17 Trading, A-o-t-i-n Trading?

18 A. No.

19 Q. Okay. To your knowledge, from March of 2015
20 to end of May, 2016, did you work for any company other
21 than Quality Woods, Inc.?

22 A. No.

23 Q. Okay. When you worked at Quality Woods or
24 anytime after that, did you ever hear of someone named
25 Tong, T-o-n-g, first name or last name?

1 A. Yes, he's my colleague.

2 Q. Okay. Was he the other person who worked
3 alongside you?

4 A. Yes.

5 Q. Was a boss in any way or a manager or anything
6 like that?

7 A. No, he is like me, just a worker.

8 Q. Okay. Did he continue working after you left
9 the job?

10 A. Yes.

11 Q. Okay. Do you know if he still works there?

12 A. What I heard -- I only heard about it, that
13 together with other people, he had rented the space
14 that Gao Wei used to rent and tried to do some work
15 there.

16 Q. Okay. But have you spoken to Tong directly
17 about this or you just heard through other people?

18 A. I heard it from Tong.

19 Q. You heard it from Tong himself?

20 A. Yes, from him, because we still maintain some
21 contact and have some phone conversations, yes.

22 Q. Okay. You mentioned that -- well, let me ask
23 it this way: Did Mr. Gao Wei ever stop using the 1340
24 Metropolitan Avenue location when you were there?

25 A. He was still there after I left.

1 Q. Okay. Do you know a person with the first or
2 last name Alsie, A-l-s-i-e?

3 A. No.

4 Q. Okay. When you worked at Quality Woods,
5 besides Tong and Gao Wei, was there anyone else who
6 worked for the company as far as you knew?

7 A. Well, Mr. Tong Wei mostly stayed in the
8 office, rarely at the -- he's rarely at the factory
9 space. Also, yes, they had other people come in to
10 work but they lasted a few time, maybe a few days, and
11 they were let go or they were gone.

12 Q. Okay. You mentioned Mr. Chen. How do you
13 spell Mr. Chen's name? It is C-h-e-n or C-h-a-n?

14 A. C-h-e-n.

15 Q. C-h-e-n. Mr. Chen, what was his first name?

16 A. I just cannot recall at this moment. I used
17 to know. I used to remember but this minute, it
18 doesn't come to my mind at this minute.

19 Q. Okay. Was it Wei?

20 A. I'm not sure.

21 Q. Okay.

22 A. I can't confirm 100% but it seems like that
23 might be it.

24 Q. Okay. Do you know a Ding Chen, D-i-n-g Chen?

25 A. Yes, yes, actually, I remember now. It is Mr.

1 Chen Ding. Mr. Chen is Chen Ding.

2 Q. Okay. Did you ever work for Chen Ding?

3 A. No.

4 Q. Okay. And Mr. Chen being a person affiliated
5 with D.C. Cabinet Factory?

6 A. Yes.

7 Q. Have you ever heard of a Dean Chen, D-e-a-n?

8 A. I'm not terribly familiar with that name.

9 Q. Okay, that's okay. Do you know a James Wang?

10 A. Not terribly familiar.

11 Q. Did you ever work for anyone named James Wang?

12 A. No.

13 Q. As far as you know, did James Wang ever have
14 any relationship with Quality Woods, Inc.?

15 A. Well, at the very beginning, as far as I know,
16 there were two owners of the company, including Mr. Gao
17 Wei. But early on, they had arguments among themselves
18 so they split early for about a month. Ever since
19 then, I'm just -- it was just Mr. Gao Wei.

20 Q. Okay. Did you ever meet the other person who
21 was a co-owner with Mr. Gao Wei?

22 A. Yes, maybe only just once or twice face to
23 face.

24 Q. And that was not -- that co-owner was not Chen
25 Dean, is that what you're saying?

1 A. It's not.

2 Q. Okay. Approximately -- let me ask you this:
3 Did you ever work for Gao Wei in Long Island?

4 A. No.

5 Q. Okay. Did you -- have you ever heard of a
6 company called Champion Cabinet, Inc.?

7 A. No.

8 Q. Okay. Do you know where Mr. Gao Wei lives?

9 A. Yes. The address I know that he lives is 158-
10 03 Sanford Avenue, Apartment 3D.

11 Q. Okay. Did you ever visit Mr. Gao Wei there?

12 A. So I've been there at his house or apartment
13 when I went to pick up my pay.

14 Q. Okay. Mr. Lin, do you see a document on the
15 screen?

16 A. Yes.

17 Q. I just want to know, is this your signature,
18 sir?

19 A. It is.

20 Q. Okay. Let me just show you what this document
21 is, okay? This is a document that is titled
22 "Declaration of Feng Lin in Support of Plaintiff's
23 Motion for Default Judgment." Do you see that?

24 A. I understand.

25 Q. Okay. Do you recall signing this document?

1 A. I remember.

2 Q. Okay. Was it provided to you in Mandarin?

3 A. Yes, in my computer, it was translated.

4 Q. Okay. An automatic translation for you?

5 A. At the time, my attorney using the computer
6 translated it line by line for me on the computer, next
7 to me.

8 Q. Okay. Do you see the document says from
9 paragraph 5: "From on or about March 1, 2015 to May
10 28th, 2016, my regular work schedule ran from 9:00 to
11 18:00 or nine hours per day Monday through Saturday,
12 for a total of 54 hours per week." Do you see that?

13 A. Yes, I see it.

14 Q. Is that accurate?

15 A. Yes, that is correct.

16 Q. Okay. The next paragraph says, "For three to
17 four times between March 1, 2015 to March 28, 2016, I
18 was required to stay after regularly scheduled work
19 hours, and more specifically from 18:30 to 21:00 hours
20 for an extra two and a half hours." Is that statement
21 true?

22 A. It is accurate.

23 Q. Okay. The next paragraph, it says, "About
24 three to four times during my time of employment, I was
25 required to work on Sundays in addition to my regular

1 schedule. For those days, I would work from 9:00 to
2 18:00." Is that statement accurate?

3 A. Correct.

4 Q. Okay. From paragraph 10, it says -- I'm
5 sticking with (ui) paragraphs. It says, "From on or
6 about March 1, 2015 to May 28, 2016, I was paid a flat
7 compensation at the rate of \$3,800 per month in cash.
8 Is that statement accurate?

9 A. It is correct.

10 Q. Earlier, you told me you went to Mr. Gao Wei's
11 home to pick up your pay on occasion. Was that pay in
12 cash or via check?

13 A. Cash.

14 Q. If you go to paragraph 18, it says,
15 "Defendants Wei Gao, Wei Zhan Chen, a/k/a Ding Chen,
16 Dean Chen, and James Wang, are co-owners of Quality
17 Woods." Do you see that?

18 A. Okay. Can you please translate for me for one
19 more time?

20 Q. Sure. I've just said the first part of this,
21 the first half of paragraph 18.

22 THE COURT: Mr. Kwak, you can go ahead and
23 translate up to the end of the words "Quality Woods."

24 THE INTERPRETER: Okay.

25 BY THE COURT:

1 Q. Do you see that?

2 A. Yes.

3 Q. Is that statement true?

4 A. No, I don't think that's accurate.

5 Q. Okay. And what about it is not accurate?

6 A. Wei Zhan Chen and Dean Chen, neither one of
7 them are the name of the co-owners or owners of Quality
8 Woods.

9 Q. Okay. What about James Wang?

10 A. He says I'm not sure of the name of his ex-
11 partner so therefore, I'm not sure about this.

12 Q. Okay. Now, Mr. Lin, if this paragraph is not
13 accurate, why did you sign this declaration?

14 A. So maybe I made a mistake. I did mention
15 about D.C. and I did mention that they did rent the
16 facility inside another facility.

17 Q. Okay. Let me ask you -- I'm going to take
18 this down, okay. Did it disappear from your screen?

19 A. Yes.

20 Q. I just want to go back to something that I
21 asked before just to confirm that I understand
22 everything that you said. Have you ever worked for a
23 company called Champion Cabinet?

24 A. No.

25 Q. Okay. Have you ever heard of a company called

1 Champion Cabinet?

2 A. No.

3 Q. Okay. After May 28th, 2016, did you stop
4 working for Mr. Gao Wei?

5 A. Yes.

6 Q. At any time since May 28th, 2016, have you
7 worked for Gao Wei?

8 A. No.

9 Q. Just give me a moment. I'm going to show you
10 a photograph, okay? I just want you to tell me who
11 this person is, okay?

12 A. Yes.

13 Q. It's a little bit blurry but do you see that
14 person there?

15 A. He is Gao Wei.

16 Q. Okay, that's Mr. Gao Wei? That's the person
17 you worked for?

18 A. Yes.

19 Q. Okay. And when was the last time you spoke to
20 or saw Mr. Gao Wei?

21 A. May 28th, 2016, that day.

22 Q. Did you receive a final payment for your last
23 period of work?

24 A. No.

25 Q. Okay. Did you ever contact Mr. Gao Wei to get

1 any back pay?

2 A. Yes.

3 Q. When was that, approximately?

4 A. May 28th, that was the date, May 28th.

5 Q. Okay, all right. Mr. Lin, have you heard of
6 the EEOC?

7 A. No.

8 Q. Did you ever file a complaint about the
9 working conditions at Quality Woods, Inc.?

10 A. No.

11 Q. Okay. Mr. Lin, I'm going to show you --

12 A. Actually, I did complain, I remember now, that
13 Quality Woods did not file tax, so I reported that one
14 time. I made a complaint that one time.

15 Q. When did you complain about their failure to
16 pay tax?

17 A. Approximately a week or two after May 28th.

18 Q. Okay. Who did you complain to?

19 A. I called 311.

20 Q. Okay. Did you ever receive any response from
21 311?

22 A. No, no reply.

23 Q. Okay. Mr. Lin, I'm going to show you another
24 document, okay? Do you see this document on your
25 screen?

1 A. Yes, I do.

2 Q. Is that your signature, sir?

3 A. It is.

4 Q. Okay. So this document says -- it's called
5 "EEOC Complainant Affidavit."

6 A. Okay.

7 Q. Have you ever seen this document before?

8 A. Yes.

9 Q. When did you see this document?

10 A. This was the initial period. I only started
11 working maybe a few weeks later. In my mind, I was
12 going to the Labor or -- yeah, I was going to the Labor
13 Department. So I think maybe I ended up at EEOC.

14 Q. Okay. And what were you going to the Labor
15 Department for, Mr. Lin?

16 A. So I was not every familiar with any labor
17 regulation or laws. I wanted to complain about
18 overtime -- I wanted to make complaint about overtime
19 work, the hours, and work injury, that type of
20 complaint.

21 Q. Okay. Have you seen this document before
22 today?

23 A. Yes.

24 Q. In what context have you seen this document?

25 A. At my attorney's office.

1 Q. Do you recall signing an affidavit at your
2 attorney's office and was it this affidavit?

3 A. Yes.

4 Q. Was this provided to you in translated form?

5 A. Yes.

6 Q. Who was it translated by?

7 A. The attorney or attorney's assistant.

8 Q. Is that the same attorney that's representing
9 you in connection with your lawsuit in federal court
10 for wage-and-hour wages?

11 A. Yes.

12 Q. Sorry, I should have been clearer, I mis-spoke
13 -- in connection with your federal case for unpaid
14 minimum and overtime wages.

15 A. Yes, yes.

16 Q. Okay. Do you see paragraph 6? It says, "At
17 the present time and as of April 16th, 2017, the name of
18 my employer changed to Champion Cabinet, Inc. d/b/a
19 Champion Cabinet." Do you see that?

20 A. Yes, I see it.

21 Q. Okay. Do you have any knowledge about whether
22 this statement is true or not?

23 A. Can I have that paragraph translated again?

24 THE INTERPRETER: Your Honor, I'll do that
25 again.

1 THE COURT: Yes, that's fine.

2 THE INTERPRETER: Okay.

3 THE WITNESS: Yes, I'm aware of this matter,
4 yes.

5 BY THE COURT:

6 Q. Before, you told me you had not heard of
7 Champion Cabinet. Do you recall that?

8 A. Well, I noticed the address, 40 East Merrick
9 Road, and that reminded me of it, of the name. Also,
10 because I'm not -- I already left so I wasn't terribly
11 familiar with the name to begin with.

12 Q. Okay. So I'm asking you again, and please
13 listen to my question and answer my question, okay, Mr.
14 Lin?

15 A. Okay.

16 Q. Paragraph 6 says, at the present time, the
17 name of my employer changed to Champion Cabinet, okay?

18 A. I see it.

19 Q. Okay. At some point, did you learn that
20 Quality Woods had changed its name?

21 A. Yes.

22 Q. How did you learn that?

23 A. Mr. Tong informed me or told me.

24 Q. When did he do that?

25 A. After a while long while when I started

1 working for him, and shortly before he was about to
2 move into the new location or new space.

3 Q. Okay. And where was that new location or
4 space?

5 A. The new address is 40 East Merrick Road,
6 Freeport, New York, 11510.

7 Q. Before looking at this affidavit today, did
8 you know that?

9 A. I did know the address.

10 Q. How did you know the address?

11 A. Because Mr. Cheng was sent over to that
12 location to work a couple of times, and I did ask Mr.
13 Tong to do me a favor and send me the GPS location of
14 that location.

15 Q. Okay. Approximately when was this?

16 A. Sometime between July and September of 2015.
17 It's a long time ago so approximately between July and
18 September.

19 Q. Just to confirm again, did you ever work for
20 Champion Cabinet?

21 A. No.

22 Q. Okay. Have you ever been to 40 East Merrick
23 Road?

24 A. I have passed by. I have passed by it in my
25 vehicle.

1 Q. Okay. Do you recall, are there any signs on
2 that building?

3 A. No, or at least I did not notice any, but I
4 did notice an ex-coworker, Mr. Lee, Mr. Gao Lee, was
5 coming in and out of that location.

6 Q. Okay. When did you go to 40 East Merrick Road
7 and observe Mr. Lee going in and out?

8 A. Also between July and September, 2016, also
9 around that period.

10 Q. Okay. I'm going to show you that affidavit
11 again. Do you see it on your screen?

12 A. Yes.

13 Q. Okay. Paragraph 44 says, "D.C. Cabinet
14 Factory, Inc., a tile company and a window company,
15 rents space in the warehouse at 1340 Metropolitan
16 Avenue, Brooklyn, New York, 11237, where all three
17 companies and Quality Woods do business from the
18 landlord. D.C. Cabinet Factory, Inc. sublets space in
19 the warehouse to Quality Woods." Do you see that?

20 A. I see it.

21 Q. Okay. Is that statement accurate?

22 A. Accurate.

23 Q. Okay. Is it your understanding that D.C.
24 Cabinet Factory, Inc. was the company that gave space
25 to Quality Woods?

1 A. Yes.

2 Q. Other than giving it space, was there any
3 other relationship between D.C. Cabinet Factory, Inc.
4 and Quality Woods?

5 A. No.

6 Q. If you could go to paragraph 50, it says, "On
7 or about late August or early September, 2016, D.C.
8 Cabinet Factory received a letter from the Department
9 of Business saying there had been a report made against
10 them. The report was referring to my report against
11 Quality Woods, which had mistakenly referred to D.C.
12 Cabinet Factory. I know that D.C. Cabinet Factory
13 received the letter because Mr. Chen called me to tell
14 me I had reported the wrong company. It was in fact
15 the Department of Business which mailed to the wrong
16 company and had Mr. Gao about the letter." Do you see
17 that?

18 A. Yes, I see.

19 Q. Is this statement accurate?

20 A. It's accurate.

21 Q. Did this incident happen as you described it?

22 A. Yes.

23 Q. And the Mr. Chen that's referred to in this
24 paragraph, that is Mr. Ding Chen?

25 A. Yes.

1 Q. To the best of your knowledge, Mr. Ding Chen
2 had no relationship to Quality Woods?

3 A. Correct.

4 Q. And you never worked for Mr. Chan according to
5 this paragraph, is that correct?

6 A. Correct.

7 Q. Okay. Have you heard of an address of 38
8 Merrick Road?

9 A. 38 Merrick Road, isn't that close to his
10 place? But I'm not paying much attention to that
11 address.

12 Q. The affidavit we were just talking about
13 talked about 40 East Merrick Road. Do you recall that?

14 A. I remember.

15 Q. And you said to me that Champion Cabinet, Inc.
16 is located at 40 East Merrick Road. Do you recall
17 that?

18 A. Yes, I remember.

19 Q. Do you have any knowledge of Champion Cabinet,
20 Inc. ever being affiliated with 38 East Merrick Road as
21 well?

22 A. I don't really know.

23 Q. It's a yes-or-no question. Have you in fact
24 ever heard of Champion Cabinet, Inc. being affiliated
25 with 38 Easter Merrick Road, yes or no?

1 A. No.

2 Q. As far as you know, is Champion Cabinet, Inc.
3 still active at 40 East Merrick Road?

4 A. I've not been there for a long time so I
5 cannot be sure as of now.

6 Q. When was the last time you spoke to Mr. Tong?

7 A. Anywhere between July and September of 2015.

8 Q. Okay. What is -- you had answered this
9 before. What is Mr. Tong's first or last name?

10 A. No, I don't really know. I only call him by
11 his nickname, Old Man.

12 Q. Okay. And that's because he's an older
13 gentleman?

14 A. Yes.

15 Q. Okay, all right.

16 THE COURT: Mr. Schweitzer, Mr. Schweitzer?

17 MR. SCHWEITZER: (Ui), your Honor.

18 THE COURT: I'm addressing you. I haven't
19 even asked you a question.

20 MR. SCHWEITZER: Yes, your Honor.

21 THE COURT: So that concludes my questioning
22 of Mr. Lin. Are there any other areas you'd like to
23 inquire about?

24 MR. SCHWEITZER: No, your Honor. I would
25 like to note for the record that D.C. Cabinet Factory,

1 Inc., Aotin Trading, Inc., Metropolitan Cabinet
2 Factory, Inc., Wei Zhan Chen, Ding Chen, and James Wang
3 were voluntarily dismissed pre-answer at docket number
4 57 on September 11, 2020, which was so ordered by --

5 THE COURT: I'm well aware of that. But you
6 have no questions for Mr. Lin?

7 MR. SCHWEITZER: No, your Honor.

8 THE COURT: The question I have for you is,
9 against whom are you seeking a default judgment in this
10 case?

11 MR. SCHWEITZER: Wei Gao, Quality Woods,
12 Inc., and Champion Cabinet, Inc.

13 THE COURT: Okay. I will set a deadline for
14 you to submit -- you can order the transcript of the
15 proceeding -- briefing on a default judgment motion.

16 MR. SCHWEITZER: I believe we did that.

17 THE COURT: Mr. Schweitzer, you did do that
18 but you're going to have to supplement it with -- we
19 just had an inquest here where your client was asked
20 specific dates of employment and who he worked for and
21 when, so that's number one. If you choose to rest on
22 your prior papers, then you know, I'm not going to give
23 you the benefit of the evidence that was adduced here
24 that might support your motion.

25 MR. SCHWEITZER: Understood.

1 THE COURT: The second thing is, I'm going
2 to separately issue orders to show cause and I'll
3 detail this so you don't need to write it down. It
4 will be in an order, asking you to explain why this
5 lawsuit continued for multiple years against entities
6 that your client never worked for and you sought
7 defaults against them and filed default judgment
8 motions against them and continued to serve them with
9 process, even though it was quite evident from basic
10 questioning of your client that he never worked for
11 those entities.

12 You can either do that in the context of
13 your default judgment motion or you can do that
14 separately. It's entirely up to you, and I can set
15 separate deadlines. How much time would you like for
16 both? As I said, I'll issue an order to show cause
17 which details the issues to address in that, but how
18 much time on the default judgment motion?

19 MR. SCHWEITZER: Can I have it by June 18th,
20 your Honor? I'd ask for three weeks but the third
21 week, I have an evidentiary hearing on a matter.

22 THE COURT: That's fine. If it takes some
23 additional time after you get the transcript, you can
24 just make a request and I'll be happy to grant that.
25 But for now, we'll set it at June 18th. Then for the

1 response to the order to show cause, do you need more
2 time than that?

3 MR. SCHWEITZER: It can be at the same time.

4 THE COURT: All right, great. Is there
5 anything else at this point from your perspective?

6 MR. SCHWEITZER: No, your Honor.

7 THE COURT: Okay, all right. Thank you, Mr.
8 Kwak.

9 Thank you, Mr. Lin.

10 Thank you, Mr. Schweitzer. I wish all of
11 you a good day.

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18 I certify that the foregoing is a correct
19 transcript from the electronic sound recording of the
20 proceedings in the above-entitled matter.
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25 ELIZABETH BARRON

May 26, 2021